

Suo Moto Jurisdiction; The Escalated Role of The National Green Tribunal in Environmental Jurisprudence

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INTRODUCTION

Indian democracy is unique in its essence and functioning. Judicial and quasi-judicial bodies play a vital role in protecting and upholding the rights of citizens in all walks of life. Juridification¹ is indispensable when human rights violations take place, especially in the case of the poor and destitute. *Suo moto* jurisdiction exercised by the judiciary can be illustrated as juridification and it is ineludible in conserving rights in a democratic society. Indian judiciary is renowned for judicial activism as a check and balance on the democracy. The judicial approach to the untoward legislative and executive interference with the fundamental rights of the people results in judicial activism in one or another way. Judicial activism developed its face with ages from 'reactionary'² to 'progressive'³ judicial activism and dilated and expanded into different forms. Public Interest litigations (PIL), epistolary jurisdiction, *suo moto* jurisdiction, etc. paved the way for the increased role of the

judiciary. Indian democracy witnessed these augmentations from *I C Golaknath v State of Punjab*.⁴ With a liberal approach towards access to justice, especially for the disadvantaged sections of people, judicial activism in India attained a generous image.

SUO MOTO JURISDICTION OF INDIAN COURTS

The exercise of *suo moto* jurisdiction by Indian Courts is part and parcel of judicial activism. The principle of *locus standi* relaxed after the 1970s by the emergence of Public Interest Litigations when the public spirited lawyers and Non-governmental Organizations came forward with helping hands to the poor. Further Indian judiciary started initiating proceedings exercising epistolary jurisdiction or in response to newspaper articles with the public interest. This judicial tendency marked the onset of *suo moto* cognizance.

The usage '*suo moto*' started with contempt of court cases and after 2000 used when the court initiates cognizance of a matter. There were no demarcations of specific fields where the judiciary can exercise *suo moto* jurisdiction⁵. There is an expansion of the

¹ Blichner, Lars Chr. and Molander, Anders, "Mapping Juridification", *European Law Journal*, Vol. 14, Issue 1, 2008, pp.36, 39. "A process by which the legal system and the legal profession get more power as contrasted with formal authority".

² Upendra Baxi, Preface to *Judicial Activism in India: Transgressing Borders and Enforcing Limits*, Oxford University Press, 2002.

³ Id.

⁴ 2SCR(1967)763

⁵ Indian judiciary exercised *suo moto* cognizance in cases of human rights violations, grave and heinous criminal offenses, matters of public importance, environmental protection, public health, protection of women and children etc... *Sunil Batra v Delhi*

number of suo moto cases each year⁶. Delivery of justice is the rationale behind the suo moto initiatives by the Indian judiciary. In the year 2020, ten suo moto cases were reported and most of the issues were related to the pandemic (vaccination, migrant labourers, etc...)⁷. In 2021, eight suo moto cases were reported which are related to COVID 19, environmental protection, and the rights of prisoners⁸. In 2022, only one suo moto case is reported till the month of June and it is related to the guidelines for the death sentence⁹.

Philosophical Backing for Suo Moto Cognizance by the Courts

Suo moto cognizance by the judiciary has been largely criticized for many reasons. In a democratic setup where separation of powers is followed, the judicial exercise of

suo moto cognizance is castrated as 'kadi justice'¹⁰ or charismatic justice¹¹ by jurists. When the judiciary takes up the activist role, it transgresses the principles of separation of powers. Further, it is being allegorized to the 'Chain of Justice'¹² of Moghul Emperor, Jahangir, as the judiciary provides such a chain and even shakes it themselves for the victim¹³. It shows up themselves appealing but criticizers doubt whether it inspires the executive and lower courts¹⁴. Nonetheless, many other aspects shoulders suo moto cognizance.

A developing democratic nation like India faces a lot of predicaments due to its diverse culture, population, unemployment, poverty, and many other factors. Independence of the judiciary is the basic structure of the Indian Constitution¹⁵ and at the same time, Indian parliamentary democracy does not follow a strict separation of powers. Judicial review, as well as judicial activism, may act as

Administration 1980 AIR 1579; *Suo Motu vs The State Of Gujarat* (2005) 3 GLR 2088; *In Re: Delhi Transport Dept.* (1998) 9 SCC 250; *In Re : Contagion Of Covid 19 Virus In Prisons Suo Motu Writ Petition (C) NO. 1/2020*; *In Re. Poisonous Gas Leakage In Visakhapatnam Suo Motu WP (PIL) No.112 of 2020*; *In Re Contagion Of Covid 19 Virus In Children Protection Homes, Suo Moto Writ Petition (Civil) No.4 of 2020*; *Mahua Moitra v Union of India*, WP (Civil) No.470 of 2020

⁶ In a period of 15 years (1994-2019) 28 suo moto cases were initiated by the Supreme Court of India. 8 cases were taken up in the year 2019. Marc Galanter & Vasujith Ram, 'Suo Motu Intervention and the Indian Judiciary' in Gerald N. Rosenberg, Sudhir Krishnaswamy and Shishir Bail (eds), *A Qualified Hope: The Indian Supreme Court and Progressive Social Change*, Cambridge University Press, 2019.

⁷ Gauri Kashyap, '2020 Saw a Historic High of Suo Moto Cases at the SC' (2022) Supreme Court Observer, available at <https://www.scobserver.in/journal/2020-saw-a-historic-high-of-suo-moto-cases-at-the-sc/> (last visited 27 June 2022).

⁸ Id.

⁹ Supreme Court Website, available at <https://main.sci.gov.in/case-status> (last visited 27 June 2022).

¹⁰ "Dispensing justice according to considerations of individual expediency". See. Max Weber, *Economy, and Society*, University of California Press, London, 1978. "Kadi justice knows no rational rules of decision whatever, nor does empirical justice of the pure type give any reasons which in our sense could be called rational".

¹¹ "Oracle, prophetic dicta, or ordeal". Max Weber, *Economy, and Society*, University of California Press, London, 1978

¹² "If... delay or practice hypocrisy in the matter of those seeking justice, the oppressed might come to this chain and shake it so that its noise might attract attention". Jahangir (trans. Alexander Roberts), *The Tuzuk-I-Jehangir or Memoirs of Jahangir*, Atlantic Publishers and Distributors, 1863 (2021).

¹³ See. Marc Galanter, "Snakes and Ladders: Suo Moto Intervention and the Indian Judiciary", *FIU L. Rev.* Vol. 10 No. 1, Fall 2014 p. 78. available at <https://collections.law.fiu.edu/cgi/viewcontent.cgi?article=1239&context=lawreview> (last visited 28 June 2022).

¹⁴ See. Id. at.79.

¹⁵ *S.P. Gupta v President Of India And Ors*, 1981 Supp (1) SCC 87.

checks and balances and blurred the lines of separation. The footing of suo moto jurisdiction is the delivery of justice to the people who are out of the reach of it due to their social or economic backwardness. When the victims are incapable of approaching the court or it is a social issue affecting the public at large, the High Courts or the Supreme Court initiates action for prompt and speedy justice. These actions take place where there is a grave violation of the rights of the citizens. The Supreme Court uses its original jurisdiction¹⁶ for this purpose. Broadening the reach of justice to the poor and downtrodden, the judiciary addressed palpable violations of rights through suo moto jurisdiction. Public interest is the back born of suo moto cognizance and exercise of such power by the judiciary.

Legality of Suo Moto Jurisdiction

Indian judiciary exercises suo moto jurisdiction in various instances. It is difficult to evaluate the legality and find the law that governs it. In the cases of contempt of court, the Supreme Court and High Court can take action on its own motion¹⁷. In other matters, the court took cognizance by its own motion when and where necessary and this practice is legalized in 2014 through the Supreme Court Rules, 2013¹⁸. However, there are no specifications regarding the matters on which the court can take up suo moto cognizance. Technically, this provides

the judiciary with ample space for interpretation.

Suo Moto Cognizance and Environmental Cases

As far as environmental cases are concerned, the number of people affected in each case is more compared to other litigations. This is the reason why Public Interest litigations are most celebrated in environmental protection. When a large population is distressed due to a specific set of facts, there are technical and practical impossibilities to expect each and every person affected to approach the court individually. The origin of Public Interest Litigation can be discerned from *Society for Protection of Silent Valley v Union of India and Ors*¹⁹. This was the initial phase of Public Interest Litigation in Environmental matters. The litigation was against the construction of a hydroelectric project encroaching Silent Valley, an ecologically sensitive area. The Court dismissed the matter as it involves government policy²⁰. Public Interest Litigation is a milestone in the development of environmental jurisprudence, where the restrictive rules of locus standi were relaxed to protect the fundamental rights of the citizen²¹. Bonafide Public Interest Litigations were entertained by the Indian judiciary meritoriously²².

Letters when treated as writ petitions, the Indian judiciary is giving priority to justice than the technical and formal procedures.

¹⁶ The Indian Constitution, 1950, Art. 131

¹⁷ The Contempt of Courts Act, 1971, s. 15.

¹⁸ The Supreme Court Rules, 2013, Order XXXVIII, R. 12(a) (1). "A Public Interest Litigation Petition may commence in any of the following manners: (a) as a Suo Moto petition in pursuance of the order of the chief justice or judge of the Court".

¹⁹ OP Nos. 2949 and 3025 of 1979(not reported).

²⁰ Id. The project was subsequently abandoned due to the agitation by public.

²¹ *Municipal Council, Ratlam v Vardhichand*, AIR 1980 SC 1622. See also. *M C Mehta v Union of India*, AIR 1986 SC 1086; *Vellore Citizens Welfare Forum v Union of India & Ors*, AIR 1996Sc 2715.

²² *Subash Kumar v. State of Bihar*, AIR 1991 SC 420.

Letter petitions are entertained by the judiciary in environment-related issues as well²³. Public Interest Litigations or letter petitions involving personal matters will not be entertained by the court²⁴. When there is a grave injustice, when the matter involves public interest and affects a large number of people, the courts will take a liberalized view of locus standi. Suo moto powers can be considered as the modified or glorified form of epistolary jurisdiction.

Environmental protection is indispensable in protecting the right of citizens. Indian judiciary developed an activist role for being equipped to serve justice and address the issues of public importance and grave violations of human rights. Supreme Court of India initiated matters related to environmental protection exercising the suo moto powers. In *Sarin Memorial Legal Aid Foundation v State of Punjab*²⁵ two writ petitions were taken up by the order of the Supreme Court of India to examine the matters related to encroachment in the catchment area of Sukhna Lake by the Tata HDCL project. Likewise, water pollution is a burning concern for a long time, and many

times Supreme Court has addressed it by its own motion²⁶.

In environmental cases, epistolary jurisdiction, which further developed into suo moto powers portrays the activist trait of the Indian judiciary. In *Doon Valley case*²⁷, the letter sent to the Supreme Court by a group of people was treated as a writ petition under Art. 32 of the Indian Constitution and mining operations were banned²⁸. “Relaxation in the rule of standing or locus standi, has given a new dimension

²⁶ “The court directed the registration of a PIL titled “Remediation of polluted rivers” and issued notice to the Centre, the Ministries of Environment and Housing and Urban Affairs, and the Central Pollution Control Board (CPCB)”. Krishnadas Rajagopal, “Supreme Court takes suo motu cognizance of contamination of rivers”, *The Hindu*, 13 January, 2021; A Public Interest Litigation was filed by Dr. Subramanian Swamy for cleaning Yamuna, and Supreme Court asked him to intervene in the “suo moto petition for remediation of polluted rivers” instead of filing a new PIL. ‘Supreme Court Asks Dr. Subramanian Swamy to Intervene in River Yamuna Pollution Case’, Pguru, available at <https://www.pgurus.com/supreme-court-asks-dr-subramanian-swamy-to-intervene-in-river-yamuna-pollution-case/> (last visited 5 June 2022).

²⁷ *Rural Litigation and Entitlement Kendra, Dehradun v State of Uttra Pradesh*, A.I.R. 1985 S.C. 652.

²⁸ The letter was regarding mining activities at Mussoorie Hills which accelerated soil erosion and blocked underground water channels. See also. . *Suo motu v Vatva Industries Association, Ahmedabad*, AIR 2000 Guj 33. Pollution Control Board submitted a note requesting the High Court to “stop the unauthorized movement of waste to its unit”; *Suomotu v Ahmedabad Municipal Corp*, AIR 2006 Guj (NOC) 1375. “Gujarat High Court held that the state and local authorities do have the duty to provide hygienic conditions to society. In this case, the government hospitals were directed to keep their entire complex clean, local bodies to carry out cleansing operations before monsoon sets in and chokes drainage, and the authorities like railways, police, development agencies, and education departments to keep their areas in hygienic conditions”.

²³ Guidelines to be Followed for Entertaining Letters/Petitions Received, Supreme Court of India. Available at <https://main.sci.gov.in/pdf/Guidelines/pilguidelines.pdf> (last visited on 8 July 2022). “All letter-petitions received in the PIL Cell will first be screened in the Cell and only such petitions as are covered by the categories in the guideline will be placed before a Judge to be nominated by Hon'ble the Chief Justice of India for directions after which the case will be listed before the Bench concerned.”

²⁴ *Id.*

²⁵ *Sarin Memorial Legal Aid Foundation v State of Punjab* (2017) SCC Online Del 7822.

to the concept of rule of law and has thus evolved a contemporary environmental jurisprudence which is hyperactive, in safeguarding the fundamental rights of the masses as the 'Right to Life' supersedes and transgresses all other fundamental and justifiable rights"²⁹.

Exercise of Suo Moto Jurisdiction by National Green Tribunal

The need and importance of Environment Courts had been emphasized by the Supreme Court while deciding environmental issues³⁰. 186th Law Commission Report also proposed for Environment Court³¹. National Green Tribunal (NGT), constituted under National Green Tribunal Act, 2010³² is an effectively functioning environmental adjudicatory body. The Act repealed the National Environmental Tribunal Act, 1995 and National Environmental Tribunal Appellate Tribunal Act, 1997³³. The NGT was established after two failed attempts and learning from the same³⁴. A look back to more than one decade of its functioning, the

NGT functions striving to achieve its objectives.

Tribunals are quasi-judicial bodies established by law for specific purposes and the Constitution of India empowers the legislature for it³⁵. The tribunals so constituted can be divided into four categories namely, (1) Administrative Tribunals under Article 323 A, (2) Tribunals under Article 323 B, (3) Specialized sector Tribunals, and (4) Tribunals to safeguard rights under Article 21³⁶. NGT can be categorized as a Tribunal to safeguard the rights under Article 21 of the Constitution of India.

Divergent Character of NGT from other Tribunals

The discipline of law cannot establish its full power in solitude. In many fields of law, judges seek expert opinions to make decisions. In *AP Pollution Control Board v Prof. M V Nayudu*³⁷, Justice Jagannadha Rao pointed out the necessity of an Environment Court like the Land and Environment Court of New South Wales, Australia. This highlights the importance of expert involvement and treating the environment as a specific field of law that need special attention. The aim and objective of the National Green Tribunal Act concede the fact that the NGT is established for "effective and expeditious disposal of cases

²⁹ Prashad, Garima, *Indian Judicial Activism on the 'Right to Environment': Adjudication & Locus Standi* (June 29, 2018). Available at SSRN: <https://ssrn.com/abstract=3391846> or <http://dx.doi.org/10.2139/ssrn.3391846> (last visited on 11 July 2022).

³⁰ *Indian Council for Enviro-Legal Action v Union of India* (1996) 3 SCC 212; *AP Pollution Control Board v MV Nayudu* (1999) 2 SCC 718 and (2001) 2 SCC 62.

³¹ Law Com No 186, 2003

³² Act 19 of 2010.

³³ National Green Tribunal Act, 2010, (Act 19 of 2010.), s. 38.

³⁴ See Nupur Chowdhury, Nidhi Srivastava, 'The National Green Tribunal in India: Examining the Question of Jurisdiction, *Asia Pacific Journal of Environmental Law*' Vol. 21, No. 2, 2018, pp. 190-216.

³⁵ Constitution of India, 1950, Art. 323 B, (1) "The appropriate Legislature may, by law, provide for the adjudication or trial by tribunals of any disputes, complaints, or offences with respect to all or any of the matters specified in clause (2) with respect to which such Legislature has power to make laws".

³⁶ *Municipal Corporation of Greater Mumbai v Ankita Sinha & ors*, Civil Appeal Nos. 12122-12123 OF 2018 (reportable).

³⁷ (1999) 2 SCC 718 and (2001) 2 SCC 62.

relating to environmental protection” and to fulfill the international obligations under the Stockholm declaration and Rio declaration. The objectives also make it clear that a healthy environment is a part of Article 21 of the Indian Constitution through judicial pronouncements in India. Thus, NGT is established to protect a fundamental right of the people with respect to the environment. It fashions NGT different from other Tribunals.

NGT is created to fulfill the constitutional mandate under Entry 13, List I, Schedule VII in order to enforce the environmental rights under Article 21 and to fulfill the objectives under Art. 47, 48A and 51A(g) of the Indian Constitution. NGT is a specialized tribunal to deal with the environmental issues that were earlier handled by High Courts and Supreme Courts. In order to achieve the purpose of the establishment of NGT, the concept of jurisdiction is to be interpreted broadly. “The power given to the Tribunal is coupled with the duty to exercise such powers for achieving the object”³⁸. The intention behind the National Green Tribunal Act creating NGT is to be interpreted to “suppress the mischief and advance the remedy”³⁹. In *Bengal Immunity Co v State of Bihar*⁴⁰ Justice S R Das observed that, “A purposive construction of an enactment is one which gives effect to the legislative purpose by

- (a) following the literal meaning of the enactment where that meaning is in accordance with the legislative purpose, or

- (b) applying a strained meaning where the literal meaning is not in accordance with the legislative purpose.”⁴¹

The NGT is not adjudicating the disputes between two individuals but addressing collective environmental issues and providing remedies. It makes NGT different from other tribunals. Thus, a liberal interpretation of the powers and functions of NGT is desirable for its effective functioning. The locus standi is also as same as High Courts and Supreme Court. Schedule I of the National Green Tribunal Act enactment over which NGT has jurisdiction⁴². These enactments make it clear that the powers of NGT are wide as they address the fundamental rights of people. The environmental Courts should have the power to provide solutions for environmental issues and also to monitor them. The wide interpretation of the functions of NGT can exhibit inquisitorial function where an active dispute is not necessary. This should not be in conflict with the orders of the High Court. In this regard, in *Bhopal Gas Peedith Mahila Udyog Sangathan v Union of India*⁴³ it is observed that, “environmental issues and matters covered under the NGT Act, Schedule I should be instituted and litigated before the National Green Tribunal”.

During the inception of NGT, there was no question of suo moto powers of NGT and the enactment was silent to mention it. NGT itself tried to address the aspect of Suo moto powers in *Baijnath Prajapati v MoEF &*

³⁸ *State of Meghalaya v All Dimasa Students Union* Civil Appeal No.10720 of 2018 (reportable).

³⁹ Heydon’s Rule.

⁴⁰ (1955) 2 S.C.R. 603

⁴¹ Id.

⁴² National Green Tribunal Act, 2010, (Act 19 of 2010), Sec 14(1).

⁴³ 2012 8 SCC 326.

*Ors*⁴⁴ and observed that “NGT is not conferred with suo moto powers” in 2012. NGT supplicated the ministry to amend the Act in order to include suo moto powers but was rejected by the government⁴⁵. Thereafter NGT exercised the suo moto jurisdiction by self-expanding its powers. In *P Sundararajan v The Deputy Registrar, National Green Tribunal Southern Zone*⁴⁶ challenged the suo moto proceedings initiated by NGT before the High Court of Judicature Madras. The High Court dismissed the writ petition and left the matter to be decided by the Supreme Court in view of precedents. Efforts were taken on the part of NGT to convince the Ministry of Environment, Forest and Climate Change to amend the Act to provide suo moto powers. This demand was refused by the Ministry⁴⁷.

⁴⁴ NGT Appeal No. 18/2011

⁴⁵ “In September 2011, then chairperson of the tribunal Justice LS Pantawrote to the government seeking amendment to the NGT Act to grant powers for suo motu action. In January 2012, the next chairperson wrote to the government with the same demand. The Ministry disagreed with the demands Nitin Sethi”, ‘NGT does not have powers to act suo motu: government’ The Hindu (11 September 2013). <<http://www.thehindu.com/todays-paper/tp-national/ngt-does-not-have-powers-to-act-suo-motu-government/article5114766.ece>>. last visited on 12/9/2022)

⁴⁶ Writ Petition Nos 35098 of 2013, 2528, 3440 and 3441 of 2014 and 2266 of 2015 and WP (MD) No 2993 of 2014) Madras High Court order dated 7 July 2015. (“suo moto proceeding were initiated against packed drinking water units running without the approval of Ground Water Centre, Food Safety Authority, BIS, Local Planning Authority and Pollution Control Board.”; quarry operations).

⁴⁷ ‘NGT does not have powers to act suo motu: government’ The Hindu (11 September 2013) , <http://www.thehindu.com/todays-paper/tp-national/ngt-does-not-have-powers-to-act-suo-motu-government/article5114766.ece> (last visited on 12/9/2022).

From 2013 NGT started exercising suo moto jurisdiction by itself in environmental matters⁴⁸.

The jurisdictional provision of the NGT is dealt with in section 14 of the Act⁴⁹. The mandates under section 14 for invoking the jurisdiction are the civil nature of the case, the existence of a substantial question of environment and the matters included in the Schedule I enactments⁵⁰. The necessity of application made by any party is not expressly provided in the Act. While interpreting the jurisdictional powers and function of such a peculiar body, the construction that bestows jurisdiction should be considered. If a construction that restricts the self-action by the NGT is taken, that would result in the ineffectiveness and the legal mandate granted to the tribunal would

⁴⁸ Tribunal on its *Own Motion v State of Harayana* (2013) SCC Online NGT 1594; Tribunal on its *Own Motion v State of MP* (2013) SCC Online NGT 3930; Tribunal on its *Own Motion v State of Himachal Pradesh* (2016) SCC Online NGT 828 ; Court on its *Own Motion v State of Himachal Pradesh* (2017) SCC Online NGT 34. *Suo Moto v Union Of India*, Original Application No. 531/2019

⁴⁹ National Green Tribunal Act, 2010, s.14 (“ (1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.

(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.

(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose: Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

⁵⁰ *Id.*

fail. Thus, NGT exercises suo moto jurisdiction in environmental issues. The tribunal cannot address any issues that are of residuary character⁵¹. As far as the tribunal is not going beyond environmental matters, the powers of NGT should be viewed in par with powers exercised by High Courts and Supreme Court in environmental cases.

CONCLUSION

NGT cannot be treated on par with other tribunals as it protects the most important fundamental right of the people (Article 21). Procedural bars cannot narrow down the powers of NGT when it involves public interest. When the perpetrators are powerful and the victims are poor and ignorant, it is the duty and responsibility of NGT to take appropriate actions and make orders to the concerned authorities either preventive or protective measures. Considering the objective of creating NGT to fulfill national and international demands, it should be recognized as a sui generis authority rather than conferring it the same status as other tribunals. Such stereotyping would defeat the purpose of the statute and belittle the functioning of NGT.

In *Mantri Techzone Pvt. Ltd v Forward Foundation and Ors*⁵² it was held that “NGT has special jurisdiction for enforcement of environmental rights. The Supreme Court recognized that the NGT is set up under the constitutional mandate in Entry 13 of List I in Schedule VII to enforce Article 21 with respect to the environment and in the context observed that the NGT

has special jurisdiction for enforcement of environmental rights”. In *Municipal Corporation of Greater Mumbai v Ankita Sinha*⁵³, the Supreme Court affirmed the power of NGT to act suo moto and held that the functions of NGT cannot be restricted to adjudicatory roles. NGT being distinct from other tribunals “can hardly afford to remain a mute spectator when no one knocks on its door”⁵⁴. The restrictions can be put on regarding the suo moto powers are only when it goes beyond the bounds of environmental matters.

It is not desirable to wait till NGT receives an application during exigencies, but to act on its own motion eg: Vizag gas leak case. NGT is the environmental watchdog and such a body cannot be cornered by a rigid interpretation of the statute.

⁵¹ *Rajeev Suri v Delhi Development Authority*, MANU/SC/0001/2021

⁵² 2019 (3) TMI 1924- Supreme Court

⁵³ Civil Appeal Nos. 12122-12123 OF 2018.

⁵⁴ Id.